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Application No: 10/666,861 Docket No.: Q137-US2

Page 1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Hisashi Tsukamoto et al.

Serial No: 10/666,861

Filed: September 17, 2003

For: ELECTRIC STORAGE BATTERY  
CONSTRUCTION AND METHOD OF  
MANUFACTURE

Art Unit: 1795

Examiner: Lee, Cynthia

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**Communication**

This Communication and the associated documents are being filed at the request of the Examiner. As a result, this Communication explains the purpose of the documents that accompany this Communication. Since this communication is being submitted at the request of the Examiner, no fees are due with this communication.

A Final Office Action was mailed on November 14, 2008. The Final Office Action indicated that only a Terminal Disclaimer was required in order to put the Application in condition for allowance. In response, the Applicant filed an Amendment on February 17, 2009 (First Amendment) along with the requested Terminal Disclaimer (First Terminal Disclaimer). The First Terminal Disclaimer was signed by the Assignee. In particular, the First Terminal Disclaimer was signed by Robert Licha, who was the Senior Executive Vice President of Quallion LLC at the time of signing the First Terminal Disclaimer. The Terminal Disclaimer was accompanied by a statement under 37 CFR 3.73(b) in order to establish that Quallion LLC is the Assignee of this Patent Application.

In an Advisory Action mailed on April 7, 2009, the First Terminal Disclaimer was disapproved because it erroneously referred to the wrong patent serial number. In response, the Applicant filed an Amendment on March 21, 2009 (Second Amendment) along with a second version of the requested Terminal Disclaimer (Second Terminal Disclaimer). The Second Terminal Disclaimer was signed by the Assignee. In particular, the Second Terminal Disclaimer was signed by Paul Beach, who was the Senior Executive Vice President of Quallion LLC at the time of signing the Second Terminal Disclaimer. Since Quallion LLC

Application No: 10/666,861      Docket No.: Q137-US2

Page 2

previously submitted a Statement Under 37 CFR 3.73(b), the Second Terminal Disclaimer was not accompanied by a second Statement Under 37 CFR 3.73(b).

In a Second Advisory Action mailed on June 16, 2009, the Second Terminal Disclaimer was disapproved because it was not signed by an attorney of record. However, the documents filed with the Second Terminal Disclaimer did not indicate that an attorney of record signed the Second Terminal Disclaimer. Instead, these documents indicated that the Assignee signed the Second Terminal Disclaimer as is allowed under MPEP324.

The Applicant contacted the Examiner to communicate that the Second Terminal Disclaimer was proper because it was signed by Quallion LLC (the Assignee of this Patent Application as established by the Statement Under 37 CFR 3.73(b)). The Examiner agreed that the Second Terminal Disclaimer was proper. However, the Examiner further indicated that the Second Terminal Disclaimer may have been disapproved because the First Terminal Disclaimer and the Second Terminal Disclaimer were signed by different representatives of Quallion LLC. As a result, the Examiner has requested another Terminal Disclaimer (Third Terminal Disclaimer) signed by the same person that signed the First Terminal Disclaimer.

In view of the above, this Communication is accompanied by a Third Terminal Disclaimer signed by Robert Licha, the same person that signed the First Terminal Disclaimer and currently a President of Quallion LLC. The Third Terminal Disclaimer is accompanied by another Statement Under 37 CFR 3.73(b) that is also signed by Robert Licha. Since the Second Terminal Disclaimer was proper, the Third Terminal Disclaimer and the associated documents are being submitted at the request of the Examiner. As a result, the Applicant has not submitted additional fees with this filing and no additional fees are due.

Respectfully submitted



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